



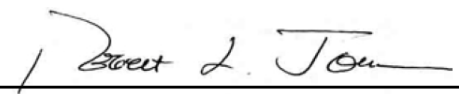
CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed February 25, 2025

  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

IN RE:

McCLAIN FEED YARD, INC.,  
McCLAIN FARMS, INC., and  
7M CATTLE FEEDERS, INC.,

Debtors.<sup>1</sup>

RABO AGRIFINANCE LLC,

Plaintiff,

vs.

ACEY LIVESTOCK, LLC, *et al.*,

Defendants

Chapter 7

CASE NO.: 23-20084-rlj  
Jointly Administered

ADV. PROC. NO: 23-02005-rlj

Honorable Robert L. Jones

<sup>1</sup>The Debtors in these jointly administered cases are McClain Feed Yard, Inc. (Case No. 23-20084-rlj7), McClain Farms, Inc. (Case No. 23-20085-rlj7), and 7M Cattle Feeders, Inc. (Case No. 23-20086-rlj7).

RLT  
DENYING

AGREED ORDER GRANTING IN PART AND ~~RESERVING~~ IN PART THE MOTION  
FOR PARTIAL SUMMARY JUDGMENT ON FIRST PHASE ISSUES FILED BY  
DEFENDANTS, ACEY LIVESTOCK, LLC; MICHAEL ACEY; BARRETT'S  
LIVESTOCK, INC.; AND DON RALPH BARRETT

This matter is before the Court on the *Motion for Partial Summary Judgment* (the “**Motion**”) (DE #217) by the Defendants, Acey Livestock, LLC; Michael Acey; Barrett’s Livestock, Inc.; and Don Ralph Barrett, seeking summary judgment as against the Plaintiff, Rabo AgriFinance LLC (“**RAF**”) on the “First Phase Issues” identified in this Court’s Alternative Scheduling Order (DE #178]. The parties have agreed to the proper disposition of the pending Motion.

Accordingly, based upon such agreement, and for good cause shown, the Court **GRANTS IN PART** and **DENIES IN PART, WITHOUT PREJUDICE AND FOR FUTURE ADJUDICATION**, the Motion, and **ORDERS AS FOLLOWS**:

1. With respect to the specific funds which the Court may ultimately determine constitute the corpus of the statutory trust created by the Dealer Trust Statute (7 U.S.C. §217b), any party which the Court concludes is a qualified and valid beneficiary holding a valid Dealer Trust Claim shall have a right to those funds that is superior to any and all of RAF’s alleged rights in those funds.

2. All other matters raised in the Motion are reserved for further adjudication and this Order is entered without prejudice to any issue outside the scope of the matters set forth in numerical paragraph 1 hereof, including, but not limited to, (1) whether assets currently in the custody and control of the Trustee are subject to the Dealer Trust Statute, (2) whether assets in the custody and control of the Trustee are assets of the bankruptcy estate of any of the subject debtors, (3) which Defendants, if any, has a qualified USDA Dealer Trust claim, (4) what parties are entitled to payment from Dealer Trust Funds, or funds otherwise in the custody and control

of the Trustee, and (5) the rights of RAF, if any, to any funds in the custody and control of the Trustee, if any, after payment of all valid Dealer Trust claims.

**HAVE SEEN AND AGREED:**

/s/ Joseph H. Mattingly III  
**Joseph H. Mattingly III**  
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/s/ John Massouh [with permission]  
**John Missouh**  
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/s/ David L. LeBas [with permission]  
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/s/ Matthew M. Cannon [with permission]  
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/s/ Hudson M. Jobe [with permission]  
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\*\*\*\*\* END OF ORDER \*\*\*\*\*